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HB 271 RELATING TO SOLAR EASEMENT

Statement for
Hosue Committees on
Energy, Ecology and Environmental Protection
Water, Land Use Development and Hawaiian Affairs
Judiciary
Public Hearing - 20 February 1981

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HB 271 would add a new chapter to the Hawaii Revised Statutes to provide for the creation, content, and termination of Solar easements. Our statement on this bill does not represent an institutional position of the University of Hawaii.

Our expertise does not provide the background to make substantive comments on the legal ramifications of this bill. However, we do wish to call your attention to two areas of concern: (1) The need to consider negative "passive solar energy system" requirements when drafting solar energy legislation and (2) the applicability of the proposed solar easements in high density areas.

The siting of a structure to take maximum advantage of tradewind ventilation, the planting of shade trees, and optimum energy conservation in architectural design all reduce energy consumption and should receive appropriate recognition in the drafting of legislation related to solar easements.

The creation of solar easements in high density urban areas would appear to be inappropriate both from a realistic-practical standpoint as well as fraught with legal complications. In the development of solar access legislation we would suggest that first order consideration be given to low density, low rise developments.